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 9 LIBERTY LIFE ASSURANCE COMPANY and  
 10 CHARLES SCHWAB DISABILITY PLAN

11  
 12 UNITED STATES DISTRICT COURT  
 13 NORTHERN DISTRICT OF CALIFORNIA

14 JAMES BOSSIER,  
 15 Plaintiff,  
 16 v.  
 17 CHARLES SCHWAB DISABILITY  
 18 PLAN, LIBERTY LIFE ASSURANCE  
 19 COMPANY OF BOSTON,  
 20 Defendants.

21 CASE NO. CV-10-0971 RS  
 22 **STIPULATION AND [PROPOSED]  
 23 ORDER DISMISSING DEFENDANT  
 24 CHARLES SCHWAB DISABILITY PLAN**

25 **WHEREAS**, this is an action arising under the Employee Retirement Income Security  
 26 Act of 1974, as amended (“ERISA”), 29 U.S.C. section 1132 (a)(1) and (3);

27 **WHEREAS**, plaintiff JAMES BOSSIER named The Charles Schwab Disability Plan  
 28 (“the Plan”) as a defendant in this action;

29 **WHEREAS**, the long-term disability portion of the Plan was insured under a group  
 30 disability income policy issued by Liberty Life Assurance Company of Boston to Charles Schwab  
 31 & Co., Inc., the sponsor of the Plan;

32 **WHEREAS**, while Defendants deny liability in this action, Liberty Life agrees it will be  
 33 liable for any judgment or settlement that may result from this action as if it were the Plan;

34 **IT IS HEREBY STIPULATED** between the parties, by and through their respective  
 35 counsel of record, that Liberty Life agrees not to object that the Plan is not longer a party.

1           **IT IS FURTHER STIPULATED** that the Plan is hereby dismissed from this action  
2 without prejudice, with each party to bear its own fees and costs as to the other only.

3           **IT IS SO STIPULATED.**

6           Dated: May 26, 2010

LAW OFFICES OF SAM WARE

9           By: \_\_\_\_\_ /s/  
10           SAM WARE  
11           Attorney for Plaintiff  
12           JAMES BOSSIER

11           Dated: May 26, 2010

12           ROPERS, MAJESKI, KOHN & BENTLEY

13           By: \_\_\_\_\_ /s/  
14           PAMELA E. COGAN  
15           HANA A. HARDY  
16           Attorneys for Defendants  
17           LIBERTY LIFE ASSURANCE  
18           COMPANY OF BOSTON and CHARLES  
19           SCHWAB DISABILITY PLAN

18           **ORDER**

20           **PURSUANT TO STIPULATION, IT IS HEREBY ORDERED** that THE CHARLES  
21           SCHWAB DISABILITY PLAN shall be, and hereby is, dismissed from this action without  
22           prejudice, with each party to bear its own fees and costs as to the other only.

23           **IT IS SO ORDERED.**

24           Dated: May 27, 2010



25           Honorable Richard Seeborg  
26           United States District Court Judge